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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 BAKKEN RESOURCES, INC. a Nevada
13 Corporation,

Case No.: 3:17-cv-167

14 Plaintiff,

15 vs.

16 ALLAN G. HOLMS, an individual, MANUEL
17 GRAIWER, an individual, DOES 1-10 and
18 ROE ENTITIES I-X,

19 Defendants.

20 **NOTICE OF REMOVAL**

21 TO: The United States District Court for the District of Nevada, Northern Division.

22 TO: BAKKEN Resources, Inc., the Plaintiff in the above-captioned case; and

23 TO: Maupin Cox & LeGoy, Paul Anderson, Esq. and Procter J. Hug, IV, Esq. its attorneys.

24 Allan Holms, by and through his undersigned attorneys, hereby respectfully removes the
25 case captioned above, and described below, to this Court.

26 1. Allan Holms is a resident of the State of Washington and respectfully joins in this
27 removal. Removal to this Court is from the Nevada state court in accordance with 28 USC
28 §1441(b) on the basis of diversity of citizenship (28 USC §1352).

2 A copy of the Verified Complaint filed in the Second Judicial District Court of the
State of Nevada, in and for the County of Washoe, Case Number CV17-00360, is attached hereto
as **Exhibit 1**. Service on the Defendant has not been effected.

1 3. The grounds for removal are diversity of citizenship pursuant to 28 USC §1332 and
2 28 USC §1441(b). The amount in controversy is met because Plaintiff seeks money damages,
3 attorney fees as an element of special damages under Nevada law, and the “potential cost to the
4 defendant of complying with the [proposed] injunction,” when aggregated well exceed the amount
5 in controversy requirement. In re Ford Motor Co./Citibank (S. Dakota), N.A., 264 F.3d 952, 958
6 (9th Cir. 2001).

7 Therefore, this Court would have had the original subject matter jurisdiction under 28 USC
8 §1332, had this case been filed as an original action in this Court.

9 4. This Notice of Removal is timely pursuant to 28 USC §1446(b)(1), because
10 Defendant did not learn of this case until March 3, 2017. The action has been pending in the state
11 court for more than 30 days, but Plaintiff has conceded that service was not effected prior to
12 March 2, 2017.

13 5. Attached as **Exhibits 1-5** are all material papers filed in the state court:

14 A. **Exhibit 1** – Plaintiff’s Verified Complaint filed February 21, 2017;

15 B. **Exhibit 2** – Plaintiff Bakken Resources, Inc.’s Ex Parte Motion and
16 Application for Temporary Restraining Order and Request for Hearing on Preliminary Injunction,
17 filed February 21, 2017;

18 C. **Exhibit 3** – Temporary Restraining Order filed February 21, 2017;

19 D. **Exhibit 4** – Minutes of the Hearing filed February 22, 2017;

20 E. **Exhibit 5** – Plaintiff Bakken Resources, Inc.’s Ex Parte Motion to Extend
21 Temporary Restraining Order on Order Shortening Time.

22 WHEREFORE, Defendant Allan Holms respectfully removes this case to this Court.

23 DATED this 17th day of March, 2017.

24 ROBISON, BELAUSTEGUI, SHARP & LOW
25 a Professional Corporation
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28 By _____

FRANK C. GILMORE, ESQ.
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